

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SA CV 17-1135-DOC (KESx)

Date: January 24, 2018

Title: MINA FARAH V. MAMDOH BASTOROUS, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE WHY
THIS CASE SHOULD NOT BE
DISMISSED FOR LACK OF
PROSECUTION**

On January 9, 2018, the Court granted as unopposed Defendant Marian Bishay's ("Bishay") Motion to Dismiss, dismissing without prejudice Plaintiff's claims as to Bishay. *See* Order Granting as Unopposed Motion to Dismiss ("Order") (Dkt. 32). The Court provided that Plaintiff may file an amended complaint, if desired, on or before January 22, 2018. *Id.* The Court also stated, "Failure to file an amended complaint will result in this case being closed. Plaintiff is cautioned that if Plaintiff fails to oppose any future Motions to Dismiss, Plaintiff's claims will be dismissed with prejudice." Order. No amended complaint was filed on or before January 22, 2018.

Though Bishay was the only Defendant who appeared in this case, *see* Notice of Appearance, Plaintiff named four Defendants in the operative complaint (the first amended complaint ("FAC") (Dkt. 8), filed on July 5, 2017): (1) Bishay; (2) Mamdoh "Mark" Bastorous; (3) Bernadette Shenouda, aka Bernadette Bastorous; and (4) Professionals Investment Group, LLC. FAC ¶¶ 2–5. No proof of service has been filed in this case. Federal Rule of Civil Procedure 4(m) requires that plaintiff(s) serve the

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 17-1135-DOC (KESx)

Date: January 24, 2018

Page 2

summons and complaint upon all defendants within 120 days after filing the complaint. Because the FAC was filed on July 5, 2017, 120 days after the filing of the FAC was November 2, 2017. *See* FAC. Further, it is the responsibility of Plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. All stipulations affecting the progress of the case must be approved by the Court, Local Rule 7-1. The file in this case lacks the papers that would show it is being timely prosecuted.

Accordingly, the Court, on its own motion, hereby ORDERS Plaintiff to SHOW CAUSE in writing **no later than January 25, 2018**, why this action should not be dismissed as to all remaining defendants for lack of prosecution.

As an alternative to a written response by Plaintiff, the Court may accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently:

- Proof of Service of Summons and Complaint; or
- Notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to all Defendants.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: djl